

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/584,510 Confirmation No. : 4164
Applicant : ROBERT JOHAN JOSEPH HAGEMAN
Filed : May 14, 2007
Title : COMPOSITIONS COMPRISING PANTOTHENIC ACID
OR DERIVATIVES THEREOF AND THEIR USE FOR
STIMULATING APPETITE
Group Art Unit : 1615
Examiner : *Not Yet Assigned*
Customer No. : 28289

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir or Madam:

Pursuant to the requirements of 37 C.F.R. §§1.56, 1.97, and 1.98, Applicant hereby submits this Information Disclosure Statement ("IDS"), together with completed Form PTO/SB/08a. A legible copy of each reference cited in this IDS is provided herein in accordance 37 C.F.R. § 1.98 (a), except that the cited United States patents and/or United States published patent applications are not enclosed pursuant to the waiver of this requirement under 37 C.F.R. § 1.98(a)(2)(i).

This application is the United States national phase of International Application No. PCT/NL2004/000910. Certain references listed on Form PTO/SB/08a were cited in the International Search Report ("ISR") dated April 11, 2005, the Written Opinion of the International Searching Authority ("WO"), and the International Preliminary Report on Patentability ("IPRP") dated May 5, 2006 for the underlying PCT Application. Copies of these reports are not being submitted with this IDS as they were received by the United States Patent and Trademark Office, as indicated in the Notice of Acceptance of Application under 35 U.S.C. §371 and 37 CFR §1.494 or §1.495, dated September 6, 2007.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on December 27, 2007.

Mary Ann Mulvihill
(Name of Person Submitting Paper)

Mary Ann Mulvihill 12/27/2007
Signature Date

The references listed in these reports that are not listed in this IDS are references that are identified in the ISR as "A" references, or references that define the general state of the art and are not considered to be of particular relevance. According to 37 C.F.R. §1.56, "there is no duty to submit information which is not material to the patentability of any existing claim." Therefore, the references are not considered material to the patentability of an existing claim by the ISR and have not been disclosed in this IDS.

Notwithstanding the above, for the Examiner's convenience, Applicant has disclosed certain "A" references. The "A" references disclosed in the IDS include: DE 299 16 231 and JP 2001 008637.

Generally, an Applicant is required to submit either a translation or partial translation of the relevant portion of a non-English reference, or a concise explanation of a non-English reference's relevance. However, pursuant to MPEP § 609, Applicants are not required to submit a concise explanation of each reference's relevance for the disclosed non-English references. The requirement for a concise explanation of relevance can be satisfied by submitting an ISR or action which indicates the degree of relevance found by the foreign office. In this IDS Applicant submits the following non-English reference: DE 299 16 231. The ISR states that the non-English reference is a reference that only defines the general state of the art and has no particular relevance to the claimed subject matter. Therefore, the concise explanation requirement for non-English references is satisfied.

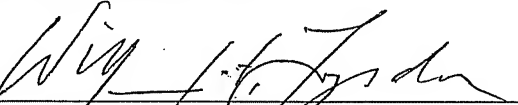
Additionally, DE 299 16 231 is cited in the Specification at page 2, lines 28-31. This discussion provides an additional concise explanation of the non-English reference's relevance.

Since this IDS is being submitted before the mailing date of a first Office Action on the merits, it is timely under 37 C.F.R. §1.97(b)(3) and no fee is required. The Commissioner for the United States Patent and Trademark Office is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650.

The Applicants submit that they have complied with the requirements set forth in 37 C.F.R. §§1.56, 1.97 and 1.98, and therefore respectfully request that this IDS and the cited references be considered and made of record.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon
Registration No. 22,132
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com